N-E

Secrt. II-27—45,006—19-10-39.

Home

(1941) Department

(9)

MS SERIES.

G.O. No. 3252

Dated 20-8-1941.

[Despatch Abstract.]

Memorial to His Excellency the Governor - Sri K. Narayana, Retired amin, District Munsif's Court, Udipi (S. Kanara Dt.) - Extension of service or enhanced pension - Reconsideration of previous orders - Declined.

—

2599E 1/

4-8-41

R.O.C.No.4021/41-C-1.

From

S.P.Thompson Esquire, I.C.S.,
Registrar, High Court, Madras

To "

The Secretary to Government,
Home Department (with enclosures).

Dated 1st August 1941.

Sir,

Memorial - Addressed to His Excellency the Governor-General - By Sri K.Narayana, Retired Amin, District Munsif's Court, Udipi - Request for enhanced pension or extension of service - Forwarded. pp 3-7 infra

I am directed to forward a memorial addressed to His Excellency the Governor by Sri K.Narayana, retired amin, District Munsif's Court, Udipi, asking for enhanced pension or extension of service. It appears from a reading of the memorial that it is intended to His Excellency the Governor-General. G.O. Mss 1301 infra

In this connection, I am to invite your attention to Government Orders Nos. Ms. 2042, 2692 and 1301, Home Department, (S) (M) (S) dated

dated 4-5-40, 24-6-40 and 14-3-41 respectively, withholding the memorialist's previous memorials addressed to His Excellency the Governor-General.

I have the honour to be,

Sir,

Your most obedient servant,

Registrar.

tv

Udipi, South Kanara.

Dated. 29th May '41.

To

His Excellency the Governor of Madras,

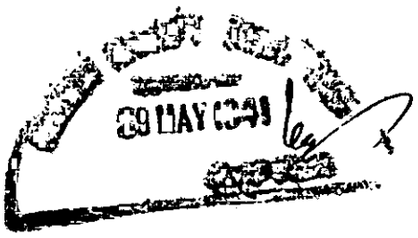
Through

The District Munsif of Udipi,

The District Judge of South Kanara,

The Hon'ble The High Court of Judicature at Madras and

The Government of Madras,.



Humble Memorial of K. Narayna,
Retired Amin, District Munsif's Court,
Udipi, South Kanara.

May it please Your Excellency,

The Memorialist feels highly aggrieved by the orders of the Government of Madras passed in G.O. No. Ms. 408 Home Department dated 26-1-40, in G.O. No. Ms. 2042 Home Department dated 4th May 1940 and in G.O. No. Ms. 1301 Home Department dated 14th March 1941 with-holding his memorial to Your Excellency through the Government of Madras, the Memorialist most humbly and respectfully beg to present this memorial for Your Excellency's kind and sympathetic consideration:-

The Memorialist joined Government service as a sweeper in the District Munsif's Court, Udipi, S. Kanara ~~in about 1904 having completed the Primary~~ Standard. He served successively as sweeper, dalayath, process-server and court-keeper in inferior service for a period of 24 years 2 months and 4 days whereupon he was promoted to superior service as Amin in the same court. The Memorialist has served as Amin for 11 years, 3 months and 23 days having been confirmed 9 years and 4 months.

The Memorialist has allowed one year's

extension by the High Court after age 55, but by the time the Memorialist had served during the period of extension, the rule abolishing extensions of service came into force and the memorialist was compulsorily retired, before he had - - earned his pension under superior service. The Memorialist had not even earned a right to proportionate pension under superior service as he had not completed 10 years of confirmed service in the superior grade having completed only 9 years and 4 months after confirmation.

The Government of Madras has held that since the Memorialist has not completed his full period of service - in the superior grade, he is entitled only to the pension - relating to inferior service, viz., Rs 6/- per month. The Memorialist thus had suddenly to retire on a pension of Rs 6/- per mensem although at the time of retiring, the Memorialist had been drawing a salary of Rs 33/- per month. The Memorialist represented his case as one of peculiar hardship to the Government of Madras and prayed that a reasonable pension may be allowed to him but the prayer was refused. A previous memorial presented to Your Excellency against this order - was with-held by the Government of Madras under instructions 7 (ii) b (iii) of the instructions for the submission of petitions to the Governor-General in Council.

The Memorialist humbly ~~prays~~ submits that he is not liable to ~~be with-held under instructions~~ relied on by Madras Government as the memorial does not relate to the - refusal of a pecuniary or other concession to which the - Petitioner is not entitled under any law or statutory rules. The concession herein claimed by the Memorialist is one to which he is entitled under Memo No. 37173/Pension - 2 dated 6-10-1929 Finance (Pension) Department - Civil Service - - Regulation Article 423 General Principles to be followed in

condoning deficiency in qualifying service laid down, and it is humbly submitted that the memorial has been wrongly with-held by the Provincial Government. Your Excellency's Memorialist was not aware of the said G.O. till now and it is therefore necessary that Your Excellency should be - - pleased to admit and reconsider this humble memorial. The Memorialist accordingly prays that his case may be graciously reconsidered by the benign Government and he may be granted redress on the following grounds inter-alia:-

1. Your Memorialist had a continuous unblemished service of 35 years, 5 months and 27 days during which he had taken only 6 months' privilege leave on account of - - illness and only 5 days' casual leave since 1935. This - shows the Memorialist's devotion to his service and his -- attachment to his duties and it commended him to one and - all of his superior officers including the High Court of - Judicature at Madras which held his services to be - - - "Meritorious" vide R. Dis. 563/38 dated 1-8-38 of the High Court (copy enclosed).

2. Under Article 399 of the Civil Service - - Regulations "the claims of an officer promoted from an - - inferior to superior grade as a reward for meritorious -- service will be specially considered by the Government of India or by the Local Government under whom the officer - is serving".

3. It is submitted that in as much as the service of the Memorialist has been held to be meritorious, his - case merits specially consideration with regard to the -- pension that is to be fixed for him. The Memorialist - - belongs to a backward community (weaver) and has been - - drawing a salary of Rs 33/- and had come to adjust his life

6

according to his higher salary and suddenly he finds - - himself retiring on a pension of Rs 6/- per month. It is most respectfully submitted that this hardship is one which falls to be redressed under the Article under reference

4. When it is held that under the regulations the Memorialist had not earned even proportionate pension in the superior grade and that his pension had to be fixed with reference to the inferior service, it stands to reason that he should be allowed to have at least such concessions and privileges as attach to the inferior service. One such privilege or rather concession is that a person in inferior service can serve at least upto age 60 and he -- need not retire at 55. If the superior service of the - Memorialist has to be ignored as inadequate in fixing his pension, it is reasonable at least to allow him to serve till his 60th year. To promote the Memorialist to superior service and then retire him compulsorily at 56 and refuse him the pension of superior service and at the same time not allow him to serve for the full period of inferior -- service is an obvious hardship. Your Excellency's - - - Memorialist has sound health and body and can very well put in a few more ~~month~~ years' service if allowed to do so.

Your Excellency's Memorialist therefore most humbly and respectfully prays that after calling for all the connected papers from the Madras Government, Your Excellency may be graciously pleased to fix him a reasonable pension in view of the extraordinary and special circumstances of his case and in view of his meritorious service under Article 399 of the Civil Service Regulations,

or

that his superior service may be ignored and he may be -

restored to inferior service and be allowed to serve in a
that service till his 60th year.

Errors ? only.

Home Department. 8

(C.No.22599 E) From the High Court, Madras, R.O.C.No.4021/41-C-1 dated 1.8.1941.

Memorial to H.E. the Governor - Sri K. Narayana - retired amin, Dt. Munsif's Court, Udipi (S.Kanara) - extension of service or enhanced pension.

A.S.

The High Court has forwarded a memorial addressed to His Excellency the Governor by Sri. K. Narayana, retired amin, Dt. Munsif's Court, Udipi (South Kanara Dt.) in which he requests that he might be granted enhanced pension or that he might be allowed to continue in service till his 60th year.

2. Submitted that though portions of the memorial show that the memorialist intended to address H.E. the Govr. General, the memorial is addressed only to His Excellency the Governor of Madras. Sri K. Narayana has previously submitted two memorials to H.E. the Govr. on this subject, which were rejected. The present memorial is therefore liable to summary rejection under instruction (3)(iii) of the Instructions for the submission of memorials to H.E. the Governor.

2. The file may be sent to the P.S.G. for submission to His Excellency the Governor with reference to instruction 109 of the Secretariat Instructions.

11.8.41.

12/8

13.8.41. P.S.G.

H.E. declines to re-open the case.

13/8/41

AUG 16 1941

Home V.O

A.S.

A draft order is submitted for approval.

16.8.41.

12/8

21/
295

9

O.F. 16.

DRAFT FOR APPROVAL.

Home Department.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

Memorial to H.E. the Governor - Sri K. Narayana, retired amin, district munsif's court, Udipi (S.Kanara Dt.)- Extension of service or enhanced pension - Re-consideration of previous orders - Declined.

READ AGAIN G.O.No.408 Home dated 26.1.40 (K) 19

" " G.O.No.4253 Home " 21.10.40. (V) 19

READ *ALSO*:—

C. No. 22599 E From the High Court, Madras R.O.C. No. 4021/41 C-1 dated 1.8.1941. 19

" " " " " 19

" " " " " 19

Order Ms. No. 3752, dated 20 8 1941

The memorialist should be informed that His Excellency the Govr. declines to reopen the case.

orders on p1 n/f

To (K)& (V)

The Hon'ble the C.J (with C.F.)

(with 8 sf. recd.)

16.8.41.

C9/8

D 21.8.41.